

In re ) Fair Hearing No. R-08/08-360  
 )  
 Appeal of )

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division terminating her eligibility for Food Stamps. The issue is whether the petitioner's gross income exceeds the program maximum.

1. The petitioner lives by herself and is employed. Based on her income the Department found the petitioner eligible for Food Stamps in April 2008. However, based on an increase in her earnings reported by the petitioner in July 2008, the Department issued a decision terminating her Food Stamps effective August 1, 2008 because the petitioner's gross monthly income of \$1,548 exceeded the program maximum of \$1,107 for a single-person household.

2. The petitioner filed a timely appeal, and a fair hearing was held on September 5, 2008. The petitioner questioned why the Department did not consider any of her living expenses in making its decision of eligibility.

However, she did not dispute that the Department had correctly determined her gross income from employment.

ORDER

The Department's decision is affirmed.

REASONS

To qualify for the Food Stamp program, households must meet the income eligibility standards set out in Food Stamp Manual § 273.9(a). Households that do not include a disabled or elderly member must first meet the gross income test (130 percent of the federal poverty level), and then the net income test (100 percent of the federal poverty level). The gross income limit for a one-person household is \$1,107. Procedures Manual § 2590-C. Only if a household meets the gross income test will certain of the household's living expenses then be considered in calculating the household's net income. Food Stamp Manual 273.9. Inasmuch as the petitioner did not meet the gross income test, the regulations did not allow the Department to proceed to calculate her net income in determining her eligibility.

Therefore, the Department's decision to deny Food Stamps based on petitioner's gross income must be affirmed. 3  
V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

# # #